

94/2184
PATENT

PRACTITIONER'S DOCKET NO. XACTP016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Limor Schweitzer et al.

Application No.: 09/553,261

Group No.: 2154

Filed: April 20, 2000

Examiner: Hu, Jinsong

For: METHOD AND APPARATUS FOR SESSION RECONSTRUCTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT AFTER
MAILING DATE OF FINAL ACTION, NOTICE OF ALLOWANCE
OR ACTION THAT CLOSES PROSECUTION BUT BEFORE
PAYMENT OF ISSUE FEE (37 C.F.R. § 1.97(d))

TIME OF TRANSMITTAL OF ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed *after* a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

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I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.10*

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Signature

Erica L. Farlow

(type or print name of person certifying)

* Only the date of filing ('1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under '1.8 continues to be taken into account in determining timeliness. See '1.703(f). Consider "Express Mail Post Office to Addressee" ('1.10) or facsimile transmission ('1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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11/29/2004 JADDD1 00000016 501351 180.00 DA
01 FC:1B06

STATEMENT AND FEE

2. In accordance with the requirements of 37 C.F.R. § 1.97(d):
 - A. Accompanying this transmittal is a statement, as specified in 37 C.F.R. § 1.97(e).
 - B. Applicant submits the fee set forth in § 1.17(p) (\$180.00).

FEE DUE

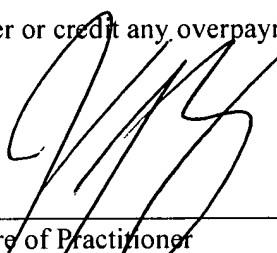
3. Fee due (§ 1.17(p)): \$180.00

METHOD OF PAYMENT OF FEE

4. Authorization is hereby made to charge the amount of \$180.00 to Deposit Account No. 50-1351 (Order No. XACTP016).

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.



Signature of Practitioner
Kevin J. Zilka
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA

Reg. No.: 41,429
Tel. No.: 408-971-2573
Customer No.: 28875



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:)
Schweitzer et al.) Group Art Unit: 2154
Application No. 09/553,261) Examiner: Hu, Jinsong
Filed: 04/20/2000) Atty. Docket No. XACTP016
For: METHOD AND APPARATUS FOR) Date: November 22, 2004
SESSION RECONSTRUCTION)

)

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Alexandria, VA 22313-1450 at facsimile number: (703) 872-9306 on November 22, 2004.

Signed:



Erica L. Farlow

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The references listed in the attached PTO Form 1449, copies of which are attached, may be material to examination of the above-identified patent application. Applicants submit these references in compliance with their duty of disclosure pursuant to 37 CFR §§ 1.56 and 1.97. The Examiner is requested to make these references of official record in this application.

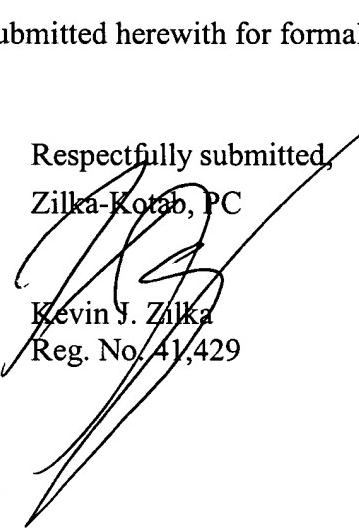
This Information Disclosure Statement is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that these references indeed constitute prior art.

In fact, after careful review of the attached reference and accompanying remarks made by the EPO Examiner, it is clear that the reference was used primarily to reject independent claims that are substantially different from those in the present application. The EPO Examiner then made a cursory, erroneous and unsupported blanket statement that the attached reference anticipates other claims in the associated EPO application, which are, in some ways, similar to those of the instant application. The EPO Examiner is clearly in error, as the documentation submitted herewith clearly does not even suggest the claimed invention, as currently set forth in the claims. See, for example, the claim language below from exemplary Claim 1:

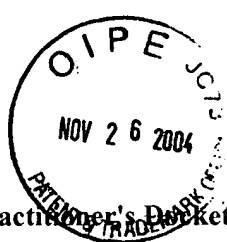
“wherein the one or more messages from the first analyzer to the second analyzer comprise packets received by the first analyzer which are unrecognized, and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session.”

Despite the above analysis and in the interest of full disclosure to the U.S. Patent Office, such information is being submitted herewith for formal consideration.

Respectfully submitted,
Zilka-Kotab, PC


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Practitioner's Docket No. XACTP016

PATENT

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In re application of: Limor Schweitzer et al.

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For: METHOD AND APPARATUS FOR SESSION RECONSTRUCTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FOR INFORMATION DISCLOSURE
UNDER 37 C.F.R. § 1.97(e)

IDENTIFICATION OF INFORMATION DISCLOSURE STATEMENT
FOR WHICH THIS STATEMENT IS BEING MADE

1. This statement is being made for the Information Disclosure Statement accompanying this statement.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)
 with sufficient postage as first class mail.

37 C.F.R. § 1.10*
 as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) _____


Signature

Date: 11/22/04

Erica L. Farlow
(type or print name of person certifying)

* Only the date of filing ('1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under '1.8 continues to be taken into account in determining timeliness. See '1.703(f). Consider "Express Mail Post Office to Addressee" ('1.10) or facsimile transmission ('1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

STATEMENT

2. I, the person signing below, state that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. § 1.97(e)(1).

IDENTIFICATION OF PERSON MAKING THIS STATEMENT

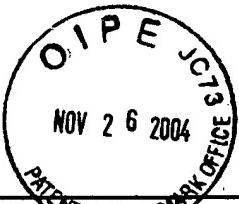
3. The person making this certification is:

- (a) the practitioner who signs below on the basis of the information in the practitioner's file.

Reg. No.: 41,429
Tel. No.: 408-971-2573
Customer No.: 28875

Signature of Practitioner
Kevin J. Zilka
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P.O. Box 721120
San Jose, CA 95172-1120
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Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary)		Atty. Docket No. XACTP016	Application No.: 09/553,261
		Applicant: Schweitzer et al.	
		Filing Date: 04/20/2000	Group Art Unit: 2154

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class	Filing Date
	A						
	B						
	C						
	E						
	F						

Foreign Patent or Published Foreign Patent Application

Examiner Initial	No.	Document No.	Publication Date	Country or Patent Office	Class	Sub-class	Translation	
							Yes	No
	G							
	H							
	I							
	N							
	O							

Other Documents

Examiner Initial	No.	Author, Title, Date, Place (e.g. Journal) of Publication		
	P	Office Action mailed 23.08.2004, from corresponding European Application No. 00944892.9-1244		
	Q	Frank, Matthias et al., "Practical Experiences with a Transport Layer Extension for End-to-End Bandwidth Regulation", © 1997 IEEE, pages 337-346		
	R			
Examiner		Date Considered		

Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.